

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY MEL ABUIZ,	:	CIVIL NO. 4:06-CV-01603
	:	
Plaintiff	:	(Judge McClure)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
WILLIAM BRENNAN, <i>et al.</i> ,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

The plaintiff, a prisoner proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint on August 16, 2006. On September 22, 2006, the plaintiff filed an amended complaint. On June 22, 2007, the plaintiff filed a second amended complaint.

On January 22, 2008, the defendants filed an answer to the second amended complaint.

The discovery period has closed and the time for filing dispositive motions has passed. *See Doc. 138.* No motions are pending.

It is recommended that the case be listed for trial on the remaining claims (i.e. the claim against defendants Brennan and Conigliaro regarding the conditions of the plaintiff's cell and the plaintiff's claim against defendants Brennan and Conigliaro regarding racial segregation).

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: August 4, 2009.